

1 ALSCHULER GROSSMAN
Marshall B. Grossman - (SBN 35958)
2 William J. O'Brien - (SBN 99526)
Tony D. Chen - (SBN 176635)
3 Dominique N. Thomas - (SBN 231464)
The Water Garden
4 1620 26th Street
Fourth Floor, North Tower
5 Santa Monica, CA 90404-4060
Telephone: (310) 907-1000
6 Facsimile: (310) 907-2000

7 BINGHAM McCUTCHEN LLP
Donn P. Pickett (SBN 72257)
8 Mary T. Huser (SBN 136051)
Adrienne L. Taclas (SBN 166115)
9 Three Embarcadero Center
San Francisco, CA 94111-4067
10 Telephone: (415) 393-2000
11 Facsimile: (415) 393-2286
Attorneys for Defendant and Counterclaimant,
12 BLOCKBUSTER INC.

13 UNITED STATES DISTRICT COURT

14 NORTHERN DISTRICT OF CALIFORNIA

15 NETFLIX, INC., a Delaware corporation,
16 Plaintiff,

17 v.

18 BLOCKBUSTER, INC., a Delaware
corporation, DOES 1-50,

19 Defendant.

20 AND RELATED COUNTERCLAIMS
21

Case No. C 06 2361 WHA (JCS)

**BLOCKBUSTER, INC.'S NOTICE OF
MOTION AND UNOPPOSED MOTION
TO AMEND CASE MANAGEMENT
ORDER RE EXPERT REPORTS AND
DISCOVERY DEADLINES**

Complaint Filed: April 4, 2006

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE THAT on _____, 2007 at 9:00 a.m., or as soon thereafter as the matter can be heard, in Courtroom 9, 19th Floor, located at 450 Golden Gate Ave., San Francisco, California 94102, before the Honorable William Alsup, Defendant and Counterclaimant, Blockbuster Inc. ("Blockbuster"), by and through undersigned counsel, will and hereby does move this Court for an order amending the Court's Case Management Order.

Blockbuster respectfully moves the Court to modify its Case Management Order to extend by one week (1) the last day for designation of expert testimony and opening expert reports; (2) the deadline for responsive expert testimony and reports; (3) the deadline for reply reports; and (4) expert discovery cutoff. The parties have been actively seeking discovery, including multiple depositions up to, and including this week. Under the Court's current Amended Docket Control Order, the deadline for expert reports is on the same day as the close of fact discovery. In addition, Bingham McCutchen has recently been brought in as additional counsel of record. Plaintiff and Counter-Defendant Netflix, Inc. is not certain that adding additional counsel, as opposed to substituting in new counsel, gives cause to modify the Case Management Order, but does not oppose the modification that Blockbuster seeks, so long as it would not require any other dates in the Court's Case Management Order to be modified.

Specifically, Blockbuster requests that the following deadlines be modified:

Description	Current Deadline	Proposed Deadline
Last day for designation of expert testimony and opening expert reports	April 27, 2007	May 4, 2007
Deadline for responsive expert testimony and reports	May 11, 2007	May 18, 2007
Deadline for reply reports	May 18, 2007	May 25, 2007
Expert discovery cutoff	June 1, 2007	June 8, 2007

The deadline extensions are not sought for delay, but to allow the parties ample

1 time to properly prepare this case for trial. The newly added deadlines are to further facilitate the
2 trial preparation process. Blockbuster is not seeking at this time to modify any other deadlines in
3 the Court's Case Management Order. Therefore, the requested modifications are not expected to
4 significantly impact the progress of this case.

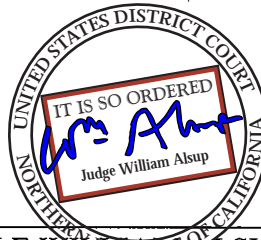
5 For the foregoing reasons, Blockbuster requests that the Court modify its Case
6 Management Order to extend the aforementioned discovery deadlines.

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8 Dated: April 26, 2007

ALSCHULER GROSSMAN LLP

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10 By: Bill O'Brien (signature)
11 William J. O'Brien
12 Attorneys for Defendant and Counterclaimant,
13 BLOCKBUSTER INC.

14 **IT SO ORDERED.**



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17 Dated: April 26, 2007

HONORABLE WILLIAM ALSUP
UNITED STATES DISTRICT COURT JUDGE

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20 All dates in the case management order remain in place. No further extensions will be granted.
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